

XVIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

TRANSFER PETITION (CRL.) NO(s). 256 OF 2004

M/S VIKRAM TRACTORS & ORS.

Petitioner

(s)

VERSUS

ESCORTS LTD. & ANR.

Respondent

(s)

(With appln(s) for stay)

WITH T.P.(CRL) NO. 258 of 2004

(With appln(s) for stay)

Date: 25/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s) Mr. Yashank P.Adhiyru, Sr.Adv.

Mr. Yateesh Sharma, Adv.

Mrs V.D. Khanna,Adv.

For Respondent(s) Mr. Ranjit Kumar, Sr.Adv.

Mr. Shibashish Misra,Adv.

Mr. Arjun Bobde, Adv.

Mr. H. Barua, Adv.

UPON hearing counsel the Court made the following

O R D E R

T.P.(Crl.) No. 256 of 2004 is partly allowed and T.P. (Crl.)

No.258 of 2004 is dismissed in terms of the signed order.

(SUKHBIR PAUL KAUR)

(ANAND SINGH)

COURT MASTER

COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION(CRL.) NO.256 OF 2004

M/S VIKRAM TRACTORS & ORS.

.....PETITIONER(S)

VERSUS

ESCORTS LTD. & ANR.

.....RESPONDENT(S)

O R D E R

We have heard counsel for the parties.

In T.P. (Crl.) No.256 of 2004, the petitioner prays for transfer of a criminal case under Section 138 of the Negotiable Instruments Act pending before the Court in Chennai to Delhi. In T.P. (Crl.) No.258 of 2004, a similar prayer is made for transfer of the case from Ghaziabad to Delhi.

The case of the petitioners appears to be that in respect of the same transaction several cheques had been issued, but they were presented for encashment at different places, resulting in prosecutions at different places.

In the facts and circumstances of the case, we partly allow T.P.(Crl.) No.256 of 2004 and transfer the

Complaint Case No.1408 of 2004 pending before the Court
of Metropolitan Magistrate XIV Egmore Madras entitled

Escorts

Limited & Anr. versus M/s Vikram Tractors & Ors. to the

Court of Additional Civil Judge, Ghaziabad where another

matter being Complaint Case No.63 of 2004 which is the

subject matter of T.P.(Crl.) No.258 is pending.

The T.P.(Crl.) No.258 of 2004 is dismissed.

.....J.

(B.P.SINGH)

.....J.

(ARUN KUMAR)

NEW DELHI;

APRIL 25, 2005